

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FRANKIE JAMES GARNER

Petitioner,

v.

LOIS RUSSO,

Respondent.

Civil Action No. 04-12017-EFH

**MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONSIVE
PLEADINGS TO PETITION FOR WRIT OF HABEAS CORPUS**

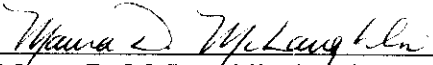
The respondent, Lois Russo, hereby respectfully requests that this Court grant her an enlargement of time within which she must file an answer or motion to dismiss the petition for a writ of habeas corpus for a period of thirty days, up to and including November 15, 2004.¹ In support of the motion, the respondent states that, pursuant to this Court's order, an answer or other responsive pleading is currently due to be filed by October 14, 2004. The undersigned assistant attorney general is awaiting receipt of the state materials concerning the petitioner's conviction, which are necessary for counsel to review before formulating an appropriate response to the petition, particularly with respect to the question of whether the petitioner's claim is exhausted.

¹ November 15th is the first business day after the expiration of the thirty-day period requested in this motion.

WHEREFORE, the respondent respectfully requests that this Court grant her until November 15, 2004, to file a responsive pleading to the petition for writ of habeas corpus.

Respectfully submitted,

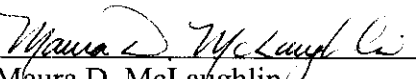
THOMAS F. REILLY
ATTORNEY GENERAL


Maura D. McLaughlin (BBO #634923)
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, MA 02108
(617) 727-2200, ext. 2857

Dated: October 7, 2004

Certificate of Service

I hereby certify that on October 7, 2004, I caused a copy of the above document to be served by first-class mail, postage prepaid, upon the *pro se* petitioner, Frankie James Garner, Souza Baranowski Correctional Center, P.O. Box 8000, Shirley, Massachusetts 01464.


Maura D. McLaughlin